

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-23 are all the claims pending in the application. Claims 11, 12, 14, and 15 remain withdrawn from further consideration as being drawn to a non-elected species. By this Amendment, Applicant is amending claim 23. No new matter is added.

Claim to Foreign Priority

The Examiner, again, is kindly requested to acknowledge the claim to foreign priority and to confirm that the certified copy of the priority document was received.

Claim Objections

Claim 23 is objected to because of the following informalities: Applicant is amending the claim to overcome this rejection.

Claim Rejections - § 112

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner states:

In line 3 of claim 23, "cylinder" lacks proper antecedent basis.

In claim 23 it is unclear how the films are secured to the cylinder 430. In claim 23 it is unclear how the cylinder 430 forms an orifice. Because of these instances of indefiniteness claim 23 is not understood.

Office Action at page 2. While Applicant submits that claim 23 is sufficiently definite when read in light of the specification, Applicant is amending this claim for further clarification.

Allowable Subject Matter

Claims 1-10, 13 and 16-22 are allowed.

Additionally, the undersigned attorney confirmed with the Examiner by telephone that withdrawn claims 11, 12, 14, and 15, which depend from an allowable claim, are now also allowable.

The prior art rejections are summarized as follows:

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christine et al. (US 5,356,039) in view of Steer et al. (US 5,226,564).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 103

Claim 23 Over Christine et al. (US 5,356,039) in view of Steer et al. (US 5,226,564).

In rejecting claim 23 over Christine et al. (US 5,356,039) in view of Steer et al. (US 5,226,564), the grounds of rejection state:

Christine et al show a fluid dispenser comprising a deformable tubing 28 having two edges 40 attached to a film 20. Christine et al lack showing if the film is two pieces. Steer et al show a cylinder attached to two sealing films 60, 66 (figure 15), as an alternative equivalent means for manufacturing a container. It would have been obvious to one of ordinary skill in the art to have modified the Christine et al dispenser with the tubing attached to two films as taught by Steer et al as alternative equivalent means for manufacturing a container.

Office Action at page 3.

In light of the clarification of claim 23, Applicant respectfully submits that this claim should now be in condition for allowance. Specifically, neither Christine nor Steer discloses a cylinder or tubing having a loop shape and defining two opposite closed loop edges, a sealing

film being secured on each edge so as to close the cylinder or tubing and form a fluid reservoir, the dispensing orifice being formed by the cylinder of tubing between the two edges. Even a combination of Christine and Steer can not lead to such a dispenser.

Furthermore, it is not correct that the tubing 28 in Christine has two edges 40 attached to a film 20. There is only one edge 40 attached to a film which does not close the tubing. Concerning Steer, the cylinder 64 is not deformable and none of its two edges are closed by a film. Therefore, even if Christine and Steer were combined, the combination could not lead to the subject matter of claim 23.

Moreover, the asserted combination of these two references is practically not possible and, thus, clearly not obvious.

Conclusion

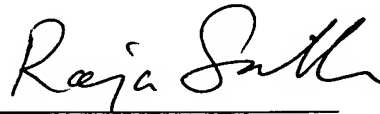
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116
U.S. Application No. 10/645,664

Attorney Docket No.: Q72953

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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